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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/472,910	12/27/1999	MICHAEL C. G. LEE	71493-639	9364
33000	7590	10/22/2004	EXAMINER	
DOCKET CLERK P.O. DRAWER 800889 DALLAS, TX 75380			NGUYEN, QUYNH H	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/472,910

Applicant(s)

LEE, MICHAEL C. G.

Examiner

Quynh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-26 and 29-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 2-26 and 29-36 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 2-7, drawn to querying the capabilities of the particular remote telephone station, and determining a formatted data information message based upon the capabilities of the particular remote telephone station, classified in class 379, subclass 265.13.
  - II. Claims 8-15 and 36, drawn to monitoring for receipt of an alert request activation message from the remote telephone station in response to the alert request option, classified in class 379, subclasses 265.03 and 266.06.
  - III. Claims 16-23, 25-26, and 29, drawn to selecting a particular one of the audio entertainment options and the soft key option labels a music choice of operation, classified in class 379, subclasses 201.01 and 265.04.
  - IV. Claim 24, drawn to a caller using a browser session to monitor receipt of an attendant request message, classified in class 379, and subclass 265.09.
  - V. Claims 30-34 drawn to initiating a telephone session with a remote telephone station using a stored directory number in order to connect the remote telephone station and the ACD system, classified in class 379, subclass 210.01.
  - VI. Claim 35 drawn to periodically sending a recorded voice message to the ACD system indicating how to send an attendant ready signal to the alert request logic, classified in class 379, subclass 265.03.

2. Inventions I, II, III, IV, V and VI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, Group I has a separate utility such as a method for querying the capabilities of the particular remote telephone station, and determining a formatted data information message based upon the capabilities of the particular remote telephone station in while Group II has a separate utility such as monitoring for receipt of an alert request activation message from the remote telephone station in response to the alert request option. One group does not need to be used with other group.

Similarly, Group II has a separate utility such as monitoring for receipt of an alert request activation message from the remote telephone station in response to the alert request option while Group III has a separate utility such as selecting a particular one of the audio entertainment options and the soft key option labels a music choice of operation. The same argument applies for Groups IV, V, and VI.

From the description of the invention<sup>5</sup> in paragraph 1 above, it is clear that the inventions are not related. For example, in Group I, no soft key option is needed, no browser session is recited.

3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, the search required for Group II

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is not required for Group III, etc, restriction for examination purposes as indicated is proper.

***Response to Arguments***

4. Applicant's arguments with respect to the Restriction Requirement have been considered. Previous Restriction is withdrawn.

5. A telephone call was made to Attorney Robert McCutcheon on 10/07/04 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen  
October 14, 2004

  
AHMAD F. MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2700